1	KAMALA D. HARRIS	FILED	
2	Attorney General of California JOSE R. GUERRERO	STATE OF CALIFORNIA PHYSICAL THERAPY BOARD OF CALIFORNIA SACRAMENTO, CA. December 1, 2011	
. 3	Supervising Deputy Attorney General DAVID CARR		
4	Deputy Attorney General State Bar No. 131672	BY Khuling	ANALYST
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004		
6.	Telephone: (415) 703-5538 Facsimile: (415) 703-5480		
7	Attorneys for Complainant		
8	BEFORE THE PHYSICAL THERAPY BOARD OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS		
9		CALIFORNIA	
10		·]	
11	In the Matter of the Accusation Against:	Board Case No. 1D 2010 68278	}
12	KAREN BRECKENRIDGE 1245 Victoria Lane		
	Saint Helena, CA 94574	ACCUSATION	
13			
14	Physical Therapist License No. PT 20206		
15	Respondent.		
16]	. :
17			
18	Complainant alleges:		
19	PAR	RTIES	
20	1. Rebecca Marco (Complainant) brings this Accusation solely in her official capacity		
21	as the Executive Officer of the Physical Therapy Board of California, Department of Consumer		
22	Affairs.		
		- Dhysical Thomas Doord of Cold	formio iggrad
23	2. On or about September 28, 1994, the Physical Therapy Board of California issued		
24	Physical Therapist License Number PT 20206 to Karen Breckenridge (Respondent). The		
25	Physical Therapist License was in full force and effect at all times relevant to the charges brough		
26	herein and will expire on November 30, 2013, unless renewed.		
27			•
28			

19.

JURISDICTION

- 3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
 - 4. Section 2609 of the Code states:

"The board shall issue, suspend, and revoke licenses and approvals to practice physical therapy as provided in this chapter."

5. Section 2660 of the Code states:

"The board may, after the conduct of appropriate proceedings under the Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose probationary conditions upon any license, certificate, or approval issued under this chapter for unprofessional conduct that includes, but is not limited to, one or any combination of the following causes:

- "(h) Conviction of a violation of any of the provisions of this chapter or of the Medical Practice Act, or violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter or of the Medical Practice Act.
- "(k) The commission of any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a physical therapist or physical therapist assistant."

COST RECOVERY

- 6. Section 2661.5 of the Code states:
- "(a) In any order issued in resolution of a disciplinary proceeding before the board, the board may request the administrative law judge to direct any licensee found guilty of unprofessional conduct to pay to the board a sum not to exceed the actual and reasonable costs of the investigation and prosecution of the case.
- "(b) The costs to be assessed shall be fixed by the administrative law judge and shall not in any event be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of the assessed costs specified in the proposed decision.

- "(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.
- "(d) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.
- "(e) (1) Except as provided in paragraph (2), the board shall not renew or reinstate the license or approval of any person who has failed to pay all of the costs ordered under this section.
- "(2) Notwithstanding paragraph (1), the board may, in its discretion, conditionally renew or reinstate for a maximum of one year the license or approval of any person who demonstrates financial hardship and who enters into a formal agreement with the board to reimburse the board within that one year period for those unpaid costs.
- "(f) All costs recovered under this section shall be deposited in the Physical Therapy Fund as a reimbursement in either the fiscal year in which the costs are actually recovered or the previous fiscal year, as the board may direct."

CAUSE FOR DISCIPLINE

(Dishonest Acts)

- 7. Respondent is subject to disciplinary action under Code section 2660(k) [commission of a dishonest act] in that she falsified and submitted timecards for payment of physical therapy services to Napa State Hospital (NSH), and submitted false timecards to purchase equipment for NSH. The circumstances are as follows:
- 8. On or about 2005 through 2008, Respondent was the owner of Futures Rehabilitation (FR), which provided physical therapy, occupational therapy and speech language pathology services. Following a bid process, Respondent entered into a contract with NSH to provide physical therapy services for up to 40 hours per week on an hourly, as needed basis, from July 1, 2005 through June 30, 2008. The contract provided for a licensed Physical Therapist or Physical Therapist Assistant and Physical Therapy aide for each of the three years at the following rates:

	* *	•	
1	<u>Title</u> <u>H</u>	lourly rate	Fiscal Year
2	Physical Therapist	\$58.75	2005-2006
3		\$61.69	2006-2007
4		\$64.77	2007-2008
5	PT Aide	\$19.94	2005-2006
6		\$20.94	2006-2007
7		\$21.99	2007-2008
8	9. Subsection O	of the contract pro-	vided "Contra

9. Subsection O of the contract provided "Contract is complete. Other than as specified herein, no document or communication passing between the parties hereto shall be deemed a part of the Contract."

10. In 2007, FR was asked to expand staffing for NSH. Respondent had difficulty recruiting qualified staff at the contracted hourly rate of \$64.77 and so advised Karen Zanetell, the NSH Director of Rehabilitation Services. On or about November 2007, Zanetell stated that NSH was working on an emergency contract to increase the rate, and instructed Respondent to increase the hourly rate to \$75.00. Respondent submitted invoices for June through October 2007 at the rate of \$75.00. In October 2007, Respondent was informed that payment was denied since \$75.00 was not the agreed contract hourly rate.

2.5

11. On or about May 2007, Respondent informed Karen Zanetell that she continued to experience difficulty in filling open positions at the contracted hourly rate. Ms. Zanetell informed Respondent that a new contract was forthcoming, and that Respondent could raise the rate from \$64.00 to \$75.00 per hour. Ms. Zanetell instructed Respondent to bill additional hours retroactively to cover the additional costs. Respondent submitted false invoices to NSH for additional employee hours for NSH services that were not in fact provided.

12. On or about November 2007, Regina Ott, Ms. Zanetell's successor, directed Respondent to continue billing additional unworked hours to cover costs during the months

before a new contract was executed for an increased hourly rate. Respondent added additional hours that she had not worked to her own timecards as well as to at least one other employee's timecards, without that employee's knowledge or consent.

- 13. On or about April or May 2008, Respondent spoke to Ms. Ott regarding her continuing inability to recruit new employees at the contract rate. Ms. Ott approved an additional \$10.00 per hour to be billed, by means of adding additional but unworked hours to FR timecards.
- 14. Respondent also billed additional hours for time not worked by FR employees to purchase equipment for NSH, in contravention of the approved purchasing process.
- 15. Therefore, Respondent's license is subject to discipline based on her dishonest acts in violation of Code section 2660(k) in that she knowingly submitted false timecards to NSH for payment in excess of the contracted hourly rate, and knowingly submitted false timecards to NSH to purchase equipment for NSH, in contravention of the purchasing process.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physical Therapy Board of California issue a decision:

- 1. Revoking or suspending Physical Therapist Number PT 20206, issued to Karen Breckenridge;
- 2. Ordering Karen Breckenridge to pay the Physical Therapy Board of California the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 2661.5;
- 3. Ordering Karen Breckenridge to pay the costs of probation monitoring, if so ordered, and

3. Taking such other and further action as deemed necessary and proper.

SF2011201041 20526474,doc

DATED: December 1, 2011

Executive Officer

Physical Therapy Board of California
Department of Consumer Affairs
State of California

Complainant